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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,769	ITOI ET AL.	
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-16 and 18-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-16 and 18-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/01/2009 have been considered but are moot in view of the new ground(s) of rejection.

Further, Examiner respectfully submits that the amended 23 does not overcome rejections under 35 U.S.C. 101 since the recording medium is not recited to be “a computer-readable recording medium.”

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5t" ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In.re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61,31 USPQ2d at 1759 (claim to computer having a specific data Structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361,31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).
>
> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer

program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claim 23 recites "a recording medium". However, the claim does not define a computer- readable recording medium and is thus non-statutory for that reason (i.e., "when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" - Guidelines Annex IV).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-16, 18-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Patent 6,341,196 – hereinafter Ando), Shimomura et al. (US Patent 6,526,580 – hereinafter Shimomura), and Yuen et al. (US 2003/0194200 – hereinafter Yuen).

Regarding claim 3, Ando discloses a data recording method comprising: recording management data in a first file (*Fig. 13A*), recording video data in a second file which is different from the first file (*video file #1 in Figs. 18 is recorded in a directory*

- *the Examiner interprets a directory as a file*), recording other data in the second file or a third file which is different from the first and the second file (*PC file #1 in Figs. 18 is recorded in the same directory or another directory – again, the Examiner interprets a directory as a file*), and indicating whether the other data are recorded in the second file or the third file by a data recording file ID flag in the management data (*Fig. 13A – whether the PC file #1 and the video file #1 in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*).

However, Ando does not disclose the video data and the other data to be normal broadcast and data broadcast respectively.

Shimomura discloses storing the video data and the other data as normal broadcast and data broadcast respectively (*column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Shimomura into the data recording method disclosed by Ando in order to receive and/or to store data broadcast received from broadcasting station or to be distribute broadcast data.

However, Ando and Shimomura do not disclose the data broadcast to be program linked data broadcast being linked with a normal broadcast.

Yuen discloses program linked data broadcast being linked with a normal broadcast is recorded for quick accesses *([0021]; [0026]; [0028]; [0030]; [0170]-[0173]; [0182]; [0207])*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Yuen into the data broadcast recording method disclosed by Ando and Shimomura in order to implement quick accesses into recorded programs thus enhancing playback user interface of the method.

Regarding claim 4, Ando and Shimomura also disclose the normal broadcast and the data broadcast is recorded in a second file (*Ando: Fig. 13A; Fig. 24 – i.e. data in movie video object correspond to normal broadcast data, data for still picture video object and other object or object for other streams correspond to data broadcast under the DVD_RTR Directory that the Examiner interprets as the second file*), data obtained by copying or cutting all or a part of the data broadcast or all or a part of recorded data broadcast in the second file is recorded in a third file as broadcast extraction data (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), and a content of the broadcast extraction data is indicated by a data broadcast ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 5, Ando and Shimomura also disclose the normal broadcast and the data broadcast are recorded in a second file (*Ando: Fig. 13A; Fig. 24 – i.e. data in*

movie video object correspond to normal broadcast data, data for still picture video object and other object or object for other streams correspond to data broadcast under the DVD_RTR Directory that the Examiner interprets as the second file), data obtained by copying or cutting all or a part of the data broadcast or all or a part of recorded data broadcast recorded in the second file is recorded in any of third and subsequent files as broadcast extraction data in accordance with a combination of a data type and an encoding format (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams – the data type is text in the Web pages - the encoding format is either HTML or XML. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), and a content of the broadcast extraction data is indicated by a data broadcast ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 6, Ando and Shimomura also disclose the normal broadcast is recorded in a second file (*Ando: video file #1 in Figs. 18 is recorded in a directory - the Examiner interprets a directory as a file. Shimomura: column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast*), the data broadcast is recorded in the second file or a third file (*Ando: PC file #1 in Figs. 18 is recorded in the same directory or another directory – again, the Examiner interprets a directory as a file)*, data obtained by copying or cutting all or a part of the data broadcast or all or a part of recorded data

broadcast recorded in the second or third file is recorded in the third file or a fourth file as broadcast extraction data (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), whether the data broadcast is recorded in the second or the third file is indicated by a data broadcast recording file ID flag in the management data (*Ando: Fig. 13A – whether the PC file #1 and the video file #1 in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), and a content of the broadcast extraction data is indicated by a data broadcast ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 7, Ando and Shimomura also disclose the normal broadcast is recorded in a second file (*Ando: video file #1 in Figs. 18 is recorded in a directory - the Examiner interprets a directory as a file. Shimomura: column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast*), the data broadcast is recorded in the second file or a third file (*Ando: PC file #1 in Figs. 18 is recorded in the same directory or another directory – again, the Examiner interprets a directory as a file)*, data obtained by copying or cutting all or a part of the data broadcast or all or a part of recorded data broadcast recorded in the second or third file is recorded in any of fourth and

subsequent files as broadcast extraction data (*Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*) in accordance with a combination of a data type and an encoding format (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams – the data type is text in the Web pages - the encoding format is either HTML or XML. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), whether the data broadcast is recorded in the second file or the third file is indicated by a data broadcast recording file ID flag in the management data (*Ando: Fig. 13A – whether the PC file #1 and the video file #1 in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), and a content of the broadcast extraction data is indicated by a data broadcast ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 8, Ando and Shimomura also disclose that broadcast related information is recorded in a file different from the first file and a file for recording the normal broadcast (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory*

for Storing Computer Data is interpreted as the file to store broadcast related information).

Regarding claim 9, Ando and Shimomura also disclose broadcast related information is recorded to a third file (*Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*), and a content of the broadcast related information is indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 10, Ando and Shimomura also disclose broadcast related information is recorded in the third file or a fourth file as record broadcast related information (*Ando: Fig. 13A – the Examiner interprets a directory or a subdirectory as a file. Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*), whether the broadcast related information is recorded in the third file or the fourth file is indicated by a broadcast related information recording file ID flag in the management data (*Ando: Fig. 13A – whether a 'file' in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), a content of the record broadcast related information is

indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 11, Ando and Shimomura also disclose broadcast related information is recorded in the third file or a fourth file (*Ando: Fig. 13A – the Examiner interprets a directory or a subdirectory as a file. Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*), data obtained by copying or cutting all or a part of the broadcast related information or all or a part of record broadcast related information recorded in the third file or the fourth file is recorded in the third file as related extraction data (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), whether the broadcast related information is recorded in the third or the fourth file is indicated by a broadcast related information recording file ID flag in the management data (*Ando: Fig. 13A – whether a 'file' in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), and a content of the record broadcast related information and a content of the related extraction data are indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 12, Ando and Shimomura also disclose broadcast related information is recorded in a new file (*Ando: Fig. 13A – the Examiner interprets a directory or a subdirectory as a file. Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*), data obtained by copying or cutting all or a part of the broadcast related information or all or a part of record broadcast related information recorded in the new file is recorded as extraction data in a file corresponding to the encoding format (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams - the encoding format is either HTML or XML. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), which file the broadcast related information is recorded in is indicated by a broadcast related information recording file ID flag in the management data (*Ando: Fig. 13A – whether a 'file' in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), and a content of the record broadcast related information and a content of the related extraction data is indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 13, Ando and Shimomura also disclose broadcast related information is recorded in the third file or a fourth file as record broadcast related information (*Ando: Fig. 13A – the Examiner interprets a directory or a subdirectory as a file. Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast record broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*), data obtained by copying or cutting all or a part of the broadcast related information or all or a part of the record broadcast related information is recorded in the third file as related extraction data (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), whether the broadcast related information is recorded in the third file or the fourth file is indicated by a broadcast related information recording file ID flag in the management data (*Ando: Fig. 13A – whether a 'file' in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), a content of the record broadcast related information and a content of the related extraction data is indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 14, Ando and Shimomura also disclose broadcast related information is recorded in a new file as record broadcast related information (*Ando: Fig. 13A – the Examiner interprets a directory or a subdirectory as a file. Shimomura: Fig. Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered record broadcast related information and computer data and constructed by extracting data from multimedia streams. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the file to store broadcast related information*, data obtained by copying or cutting all or a part of the broadcast related information or all or a part of the record broadcast related information is recorded as related extraction data in a file corresponding to the encoding format (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered computer data and constructed by extracting data from multimedia streams - the encoding format is either HTML or XML. Ando: Fig. 24 - Subdirectory for Storing Computer Data is interpreted as the third file*), which file the broadcast related information is recorded in is indicated by a broadcast related information recording file ID flag in the management data (*Ando: Fig. 13A – whether a 'file' in Figs. 18 are recorded in a directory, which the Examiner interprets as a file, is indicated by corresponding entries, each of which is interpreted as a recording file ID flag*), and a content of the record broadcast related information and a content of the related extraction data is indicated by a broadcast related information ID flag in the management data (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422"*).

Regarding claim 15, Ando and Shimomura also disclose the broadcast related information comprises all or a part of Internet additional information including Internet information related to broadcast, program additional information, director's cut information, director's comment information, E- commerce information, chat information, and preview information (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast extraction data and constructed by extracting data from multimedia streams – therefore comprising a part of Internet additional information including Internet information related to broadcast)*.

Regarding claim 16, Ando and Shimomura also disclose the broadcast extraction data or the related extraction data comprises all or a part of moving-picture data, still-picture data, audio data, animation data, graphic data, and character data (*Shimomura: Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast extraction data and constructed by extracting data from multimedia streams comprising video from live events therefore also comprising moving-picture data)*.

Regarding claim 18, Ando also discloses the data broadcast is recorded in the second file (*Fig. 24 – again, the Examiner interpret the DVD_RTR Directory as the second file and program linked data broadcast being linked with the normal broadcast is interpreted in view of combination with Shimomura and Yuen*).

Regarding claim 19, Ando and Shimomura also disclose the data broadcast recording file ID flag in the management data or the broadcast related information recording file flag indicates whether the data broadcast or the broadcast related information is recorded in a relevant file or a file in which the data broadcast or the

broadcast related information is recorded (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422, the field of 'File Identifier Directory Name or File Data Name'". Shimomura: column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast*); and the data broadcast ID flag in the management data or the broadcast related information recording file flag indicates all or a part of whether the data broadcast or the broadcast related information is recorded in a relevant stream, whether the broadcast extraction data/the related extraction data is obtained through direct recording, copying, or move, and a file name, a source stream name, a source stream number, and a type and a compression method of the broadcast extraction data/the related extraction data if a source exists in the case in which the broadcast extraction data/the related extraction data is obtained by copying or move (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422, the field of 'File Identifier Directory Name or File Data Name'". Shimomura: column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast - Fig. 7; column 11, lines 15-65 – the Web pages stored in File System 750 is considered broadcast related information and constructed by extracting data from multimedia streams*).

Regarding claim 20, Ando, Shimomura, and Yuen also disclose all or a part of a flag indicating whether data broadcast is included in a record stream/whether data

broadcast linked with the main broadcast is included/whether Internet information or streaming data is included, a flag indicating a normal broadcast stream or a storage broadcast stream, a flag indicating a compression method, a flag indicating whether a transmission method of the data broadcast is a data carrousel mode/an event message transmission mode/a mode including both the modes, a flag indicating whether the mode is a mode for recording all the broadcast data or a mode for recording only refresh data in the case of the data carrousel mode, a flag indicating whether auto renewal is performed in the case in which the broadcast extraction data/the related extraction data is news, weather forecast, stock information, or the like, a flag indicating whether a updated data refresh time and a time map exist, is recorded in the first file (*Ando: Fig. 15: the field of "File Characteristics Indicating Type of File 422, the field of 'File Identifier Directory Name or File Data Name'" – Fig. 24 shows the case where the data broadcast is included in a record stream – Fig. 13A shows whether data are included in the directory, which corresponds to recited file, by the entries. Shimomura: column 3, lines 55-65; column 9, line 55 – column 10, line 9 – the Examiner interprets one of the video broadcast as normal broadcast. Yuen: [0170]-[0173] – wherein the program linked data broadcast being linked to the normal broadcast is interpreted as directory information data*).

Claim 22 is rejected for the same reason as discussed in claim 3 above.

Claim 23 is rejected for the same reason as discussed in claim 3 above.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando, Shimomura, and Yuen as applied to claims 3-16, 18-20 and 22-23 above,

and further in view of Kikuchi et al. (US Patent 7,010,032 – hereinafter Kikuchi) and Kato et al. (WO/01/82608 – hereinafter Kato and references are made to US Patent 7,236,687 as an English translation).

Regarding claim 21, see the teachings of Ando, Shimomura, and Yuen as discussed in claim 18 above. However, Ando, Shimomura, and Yuen do not disclose the flag indicating the compression method includes all or a part of a moving-picture data compression method flag indicating a type of MPEG video, H.264 video, or Windows (registered trademark) Media video, an audio data compression method flag indicating a type of MPEG audio, Dolby audio, or DTS audio, a still-picture data compression method flag indicating a type of JPEG or PNG.

Kikuchi does not disclose a flag indicating the compression method includes all or a part of a moving-picture data compression method flag indicating a type of MPEG video, H.264 video, or Windows (registered trademark) Media video *(column 10, lines 9-22)*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Kikuchi into the data broadcast recording method disclosed by Ando, Shimomura, and Yuen in order to provide information on video coding method of the data so that the data can be identified for correct processing, e.g. decoding.

However, Ando, Shimomura, Yuen, and Kikuchi do not disclose an audio data compression method flag indicating a type of MPEG audio, Dolby audio, or DTS audio, a still-picture data compression method flag indicating a type of JPEG or PNG.

Kato discloses an audio data compression method flag indicating a type of MPEG audio, Dolby audio, or DTS audio, a still-picture data compression method flag indicating a type of JPEG or PNG (Fig. 60).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Kato into the data broadcast recording method disclosed by Ando, Shimomura, and Kikuchi in order to provide information on audio coding method of the data so that the data can be identified for correct processing, e.g. decoding.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621